

***Superseded 5/12/2015***

**57-21-5 Discriminatory practices enumerated -- Protected persons, classes enumerated.**

- (1) It is a discriminatory housing practice to do any of the following because of a person's race, color, religion, sex, national origin, familial status, source of income, or disability:
  - (a) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person;
  - (b) discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling; or
  - (c) represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available.
- (2) It is a discriminatory housing practice to make a representation orally or in writing or make, print, circulate, publish, post, or cause to be made, printed, circulated, published, or posted any notice, statement, or advertisement, or to use any application form for the sale or rental of a dwelling, that directly or indirectly expresses any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, source of income, or disability, or expresses any intent to make any such preference, limitation, or discrimination.
- (3) It is a discriminatory housing practice to induce or attempt to induce, for profit, any person to buy, sell, or rent any dwelling by making representations about the entry or prospective entry into the neighborhood of persons of a particular race, color, religion, sex, national origin, familial status, source of income, or disability.
- (4) A discriminatory housing practice includes:
  - (a) a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises, when reasonable, to the condition that existed before the modification, reasonable wear and tear excepted;
  - (b) a refusal to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; and
  - (c) in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
    - (i) the dwellings have at least one building entrance on an accessible route, unless it is impracticable to have one because of the terrain or unusual characteristics of the site; and
    - (ii) with respect to dwellings with a building entrance on an accessible route:
      - (A) the public use and common use portions of the dwelling are readily accessible to and usable by a person with a disability;
      - (B) all the doors designed to allow passage into and within the dwellings are sufficiently wide to allow passage by a person with a disability who is in a wheelchair; and
      - (C) all premises within these dwellings contain the following features of adaptive design:
        - (I) an accessible route into and through the dwelling;
        - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
        - (III) reinforcements in the bathroom walls to allow later installation of grab bars; and
        - (IV) kitchens and bathrooms such that an individual in a wheelchair can maneuver about and use the space.

- (5) This section also applies to discriminatory housing practices because of race, color, religion, sex, national origin, familial status, source of income, or disability based upon a person's association with another person.